

## REMARKS

In the final Office Action mailed on October 5, 2005 by the United States Patent and Trademark Office, the Examiner rejected claims 1-17. Claim 1 has been amended to clarify the invention. Reconsideration is respectfully requested in light of the following remarks. The following remarks are believed to be fully responsive to the Office Action mailed October 5, 2005 and also render all currently pending claims at issue patentably distinct over the references of record.

## I. REJECTIONS UNDER 35 U.S.C. 103

A. SINEX IN VIEW OF SOUTHGATE

The Office Action rejects claims 1-8 and 10-17 under 35 U.S.C. 103(a) as allegedly being anticipated by U.S. Patent No. 6,691,006 (Sinex) in view of U.S. Patent No. 5,561,757 ("Southgate"). The rejection is respectfully traversed.

The Examiner admits that neither Sinex nor Southgate, alone or in combination, discloses "simultaneously displaying a first window and a second window, wherein the first window includes a flight plan and the second window includes at least one checklist selection frame having a layout and a list of available checklists." However, the Examiner alleges that displaying multiple windows is "merely a design choice and is well known in the art" and that "if Sinnex's [sic] system were implemented on a flying aircraft for displaying flight data, a flight plan would have been obviously displayed, simultaneously with other windows, on the display screen to display more information for a flying pilot." The Applicants disagree.

It is well known that the three basic criteria necessary to establish a prima facie case of obviousness are: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the prior art reference or references must teach or suggest all the claim limitations. Here, there is no suggestion or motivation to implement the system of Sinex on an aircraft. Instead, the Sinex system is used to dynamically manage aircraft maintenance requirements and is accessible to aircraft maintenance crews, supervisors, and

other maintenance-related personnel. There is simply no mention or teaching that the system could be accessible to a pilot, or to anyone flying the aircraft.

It is also known that the rationale to modify the prior art does not have to be expressly stated in the prior art, but may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law; however, the Examiner must present a convincing line of reasoning supporting his rejection. There is no suggestion or motivation in the reference that would render these elements obvious. Therefore, the Examiner's rejection must be based on knowledge generally available to one of ordinary skill in the art. However, the Examiner has given no indication that these limitations are impliedly contained in the prior art or that it may be reasoned from knowledge generally available to the skilled practitioner or established by scientific principles or legal precedent. The Examiner merely states that it would be obvious to simultaneously display a first window and a second window, wherein the first window includes a flight plan and the second window includes at least one checklist selection frame having a layout and a list of available checklists, which the Examiner admits is not taught in the prior art and that displaying multiple windows is "merely a design choice and is well known in the art." Thus, it is respectfully submitted that the Examiner has used improper hindsight in formulating his rejection on the 35 U.S.C. 103. The Examiner has not demonstrated that such could be reasoned from knowledge generally available to one of ordinary skill in the art without resorting to improper hindsight.

Accordingly, as Sinex and Southgate either fail to suggest or motivate modification of their teachings as the Examiner proposes and fail to disclose, either explicitly or inherently, at least the above-noted elements of claims 1, 12, and 14, it is respectfully submitted that the rejection of these claims and the claims that depend therefrom is improper and the Applicants request withdrawal of the § 103 rejection.

B. Sinex in view of Southgate and allegedly Admitted Prior Art

The Office Action rejects claims 1-8 and 10-17 under 35 U.S.C. 103(a) as allegedly being anticipated by U.S. Patent No. 6,691,006 (Sinex) in view of U.S. Patent No. 5,561,757 ("Southgate") and the alleged Admitted Prior Art. The rejection is respectfully traversed.

Claims 1, 12, and 14 rely on the arguments presented above regarding Sinex and Southgate. Additionally, the alleged Admitted Prior Art does not make up the deficiencies of Sinex and Southgate. The Examiner alleges that the alleged Admitted Prior Art discloses determining that the end of the checklist has been reached, that a frame layout is stored in memory, and restoring the stored frame layout. However, there is no suggestion or teaching whatsoever of simultaneously displaying a first window and a second window, wherein the first window includes a flight plan and the second window includes at least one checklist selection frame having a layout and a list of available checklists, as recited in claims 1, 12, and 14.

Accordingly, as Sinex, Southgate, and the alleged Admitted Prior Art fail to disclose, either explicitly or inherently, at least the above-noted elements of claims 1, 12, and 14, it is respectfully submitted that the rejection of these claims and the claims that depend therefrom is improper and the Applicants request withdrawal of the § 103 rejection.

## II. CONCLUSION

Based on the above, independent Claims 1, 12, and 14 are patentable over the citations of record. The dependent claims are also submitted to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

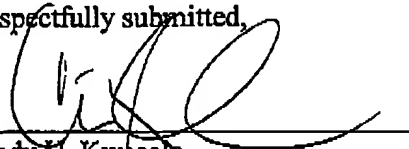
Hence, Applicants submit that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicants have not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Dated 11/21/05

Respectfully submitted,

  
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